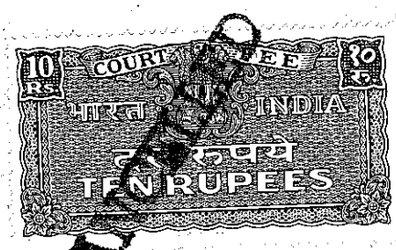

IN THE HIGH COURT OF JUDICATURE:CHHATTISGARH:BILASPUR

Writ Petition No. 623/2002

PETITIONER : 1. Smt. Chandrakala Sharma,
D/O Paramsukh Sharma,
aged about 30 years,
R/O Village : Kodabhat,
Police Station : Kanker,
Distt. : Kanker (Chhattisgarh).

Versus

RESPONDENTS : 1. The State of Chhattisgarh,
through the Secretary,
Department of Home, D.K.Bhawan,
Secretariat, Govt.of Chhattisgarh,
Raipur (Chhattisgarh).

2. The Director General of Police,
Govt.of Chhattisgarh,
Raipur (Chhattisgarh).

3. The Superintendent of Police,
Kanker, Distt. : Kanker(Chhattisgarh)

4. The State Administrative Tribunal,
Govt.of Chhattisgarh, Raipur
through its Registrar,
State Administrative Tribunal,
Raipur (Chhattisgarh).

P. R. No. 6-8-02
Presented by Shri Sameer Sethy
dated 4.10.2002

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 623/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH: -

HON'BLE SHRI K.H.N. KURANGA, CJ
& HON'BLE SHRI L.C. BHADOO, J.

17/06/2003: -

Heard Shri Vishnu Koshta, counsel for the petitioner and Shri Ranbir Singh, Govt. Advocate, for the State/respondents.

The petitioner has moved this writ petition under Article 227 of the Constitution of India challenging the order dated 12/12/2001 (Annexure-P/4) passed by the Madhya Pradesh State Administrative Tribunal, Raipur Bench in Original Application No.880 of 1999 by which the learned Tribunal dismissed the application of the petitioner. In para 11 of the impugned order the learned Tribunal has observed that the petitioner was appointed on the post of Lower Division Clerk by the Police Department vide Annexure-6 and the services of the petitioner have been terminated vide order Annexure-1. The learned Tribunal has also observed that the termination order is simplicitor, the impugned order is not punitive and no allegation has been made against the petitioner. From the perusal of Annexure-6, the order of appointment of the petitioner, it is clear that nature of appointment of the petitioner was

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

temporary and her services were liable to be terminated at any time after giving one months notice or by one months pay and allowances in lieu of the notice.

Since the appointment of the petitioner was temporary ~~and~~ she has no right to the post, ~~and~~ in para 2 of the order of appointment dated 03/02/1999 it is clearly mentioned that the appointment was liable to be terminated by giving one months notice or one months salary in lieu thereof. The termination order is simplicitor without casting any stigma. It is settled law that if the termination order of a temporary employee is simplicitor without any stigma and the same is in consonance with the terms and conditions mentioned in the appointment order, then it cannot be said to be punitive in nature and the provisions of Article 311 (2) of the Constitution of India is not attracted as the temporary employee has no right to hold the post. Since the appointment of the petitioner was temporary and her services were liable to be terminated with a notice of one month and the services of the petitioner has been terminated after giving a months notice, we find no infirmity or illegality in the order of the learned Tribunal. The writ petition has

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (3)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	no merit. The same is, therefore, liable to be dismissed and it is dismissed. **Sd/-** **Chief Justice** **Sd/-** **L.C.BHADOO** **Judge**	

Brajesh*

[पीछे देखिये